

Remarks

Applicant notes with appreciation Examiner's withdrawals of the rejections based upon 35 U.S.C. 112 and the rejections of claims 6-15 based upon 35 U.S.C. 103.

Examiner has rejected claim 6 as unpatentable over Wu, et al. (US 6,203,156). Wu discloses contact lenses having identifying marks. The identifying marks or holes are readily visible to the eye and "have a maximum depth of between 25 to 70 microns, more preferably 30 to 45 microns" (column 5, lines 38-39), which when converted to nanometers 2500 to 7000 nm and 3000-4000 nm) are far greater than the less than about 4 nm amplitude recited in claim 6.

With respect to periodicity Wu discloses that the holes "are preferably spaced so that the center-to-center distance between the holes is between from 5 to 300 microns, more preferably between from 50-250 microns and most preferably between from 100 to 175 microns" (column 5, lines 39-43), all of which are much further spaced than the less than about 3 $\mu$ m recited in claim 6.

Wu further discloses that the surface of the holes have a surface roughness so that "the light reflected off the concave surface or surfaces of the holes makes the identifying mark more visible than if the surface of the identifying mark were flat, or randomly roughened." Column 2, lines 51-54. Thus, the surface roughness disclosed in Wu is meant to augment a visible artifact on the lens. Wu discloses a surface roughness less than 10 microns RMS, less than 3 microns RMS and less than 0.5 microns RMS. When converted to nanometers these ranges are less than 1000 nanometers, less than 300 nanometers and less than 50 nanometers, over 10 to 250 times greater than the amplitude recited in the present application. There is no suggestion of any periodicity for the roughness of the mark.

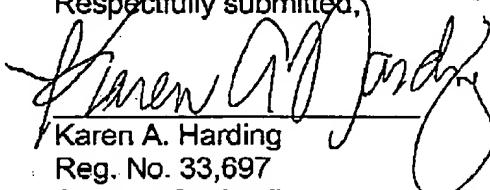
Unlike Wu, the present invention relates to the elimination of periodic defects which would be visible to the eye. Wu teaches the introduction of visible surface defects to a lens. (There is no teaching or suggestion in Wu regarding the periodicity or amplitude limits needed to insure that any defects which are

present do not generate coherent scattering or produce visible tool marks. This is particularly important for coated lenses, as "the swelling of the coating magnifies these surface defects." Page 1, lines 24-25. If anything, Wu teaches away from the present invention, as Wu discloses introducing highly visible defects onto a lens surface.) Applicants respectfully submit that the rejection of claim 6 based upon Wu has been traversed.

Examiner has further rejected claims 7-11 as unpatentable in view of Wu in view of Vanderlaan (EP 940,693), claims 12-13 and unpatentable in view of Wu in view of Maiden (US 6,367,929) and claims 14-15 in view of Wu in view of Kunzler (US 5,539,016). Vanderlaan discloses hydrophilic coatings which may be applied to a silicone hydrogel contact lens. Maiden discloses silicone hydrogel formulations and lenses made therefrom. Kunzler discloses fluorosiloxane hydrogels. Wu discloses introducing highly visible defects onto a lens surface. Vanderlaan, Maiden and Kunzler are silent regarding the size or frequency of imperfections on the surface of silicone lenses, and their impact on optical quality. Accordingly, since all three references are silent regarding the features recited in the present claims, Applicants respectfully submit that the Examiner's rejections based upon 35 USC 103 have been traversed.

Applicants respectfully submit that the rejections based upon the cited references have been overcome and should be withdrawn. A notice of allowance of all claims is respectfully submitted. If the Examiner believes that a telephone conversation would expedite the disposition of this case, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

Respectfully submitted,



Karen A. Harding  
Reg. No. 33,697  
Attorney for Applicants

November 18, 2003  
Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
(904) 443-3074